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Martin A. Mooney, Esq. (MM 8333)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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(mm 8333)

In Re:

**AFFIDAVIT OF FACT**

MICHAEL D. BARNETT and  
DENISE A. BARNETT,

Case No. 12-37991-CGM  
(Chapter 7)

Debtors.

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STATE OF OHIO )  
 )  
COUNTY OF FRANKLIN )

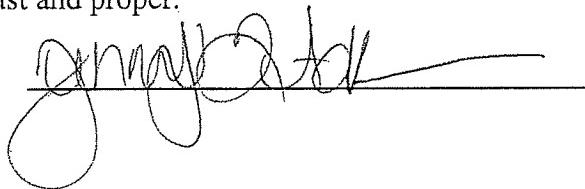
Jennifer Adams, being duly sworn, deposes and says:

1. I am employed as a Bankruptcy Specialist by BMW Financial Services NA, LLC, service provider for Financial Services Vehicle Trust (FSVT), Financial Services Vehicle Trust is a foreign corporation, duly authorized to do business in the State of New York.
2. I have direct access to and am familiar with the facts and circumstances set forth in this Affidavit by reason of the examination of the books and records maintained by Financial Services Vehicle Trust in the ordinary course of business.
3. This Affidavit is submitted pursuant to Local Bankruptcy Rules and in support of Financial Services Vehicle Trust's Motion for Relief from the Automatic Stay in this case pursuant to 11 U.S.C. Section 362(d).

4. A review of the records maintained by Financial Services Vehicle Trust reveals that the debtors are in default of their payment obligations to Financial Services Vehicle Trust in that as of October 21, 2013, payments have not been made for the months of March through October, 2013. The net balance due and owing as of October 21, 2013 was \$73,127.83. Based upon the foregoing default in payment, Financial Services Vehicle Trust seeks relief from the automatic stay so that it may obtain possession of and liquidate the property, one (1) 2012 BMW M3 (V.I.N. WBSDX9C50CE784849). The wholesale value of the property as of the date of the filing of the instant motion, pursuant to the NADA Official Used Car Guide was \$59,938.00.

5. I have read the Motion for Relief from the Automatic Stay dated October 22, 2013 and attest to the allegations set forth therein.

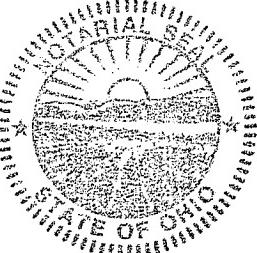
WHEREFORE, your deponent respectfully requests that the Court grant Financial Services Vehicle Trust's Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(d); and for such other and further relief as to the Court may seem just and proper.



Sworn to before me 22nd  
this day of October.

Jennifer N. McCleery  
Notary Public-State of Ohio

13.10332



JENNIFER N MCLEERY  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 06/01/14